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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY LAW

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RUSSELL CARR, } CASE NO. CV 12-8159 UA
vs. Plaintiff, }
SUCCESS CHRISTIAN FELLOWSHIP } ORDER SUMMARILY REMANDING
INT'L CORP., ET AL., } IMPROPERLY-REMOVED ACTION
Defendants. }

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On September 21, 2012, Gerald Guidry, purporting to act on behalf of the Defendant corporation, which has been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendants do not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even

1 if complete diversity of citizenship exists, the amount in controversy does not exceed the diversity-
2 jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-
3 detainer complaint recites that the amount in controversy does not exceed \$10,000.

4 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
5 28 U.S.C. §§ 1331, 1441(b).

6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
7 Court of California, Los Angeles County, Long Beach Division, 415 W. Ocean Blvd., Long Beach
8 CA 90802, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the
9 Clerk send a certified copy of this Order to the state court; and (3) that the Clerk serve copies of
10 this Order on the parties.

11 IT IS SO ORDERED.
12 DATED: 9/26/12

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16 GEORGE H. KING
17 CHIEF UNITED STATES DISTRICT JUDGE
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